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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/807,392

03/24/2004

Hiroshi Hasegawa

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

LEE, WILSON

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,392

Applicant(s)

HASEGAWA

Examiner

Wilson Lee

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3 is/are allowed.
- 6) ☒ Claim(s) 2, 4, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/5/06, 3/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Remarks

Applicant elects Group I with traverse.

Since the argument is persuasive, Claims 1-7 are examined.

Claim Rejections – 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 6 and 7 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative due to missing "executable" and therefore lacks utility. They must state that the medium is executable. The phrase "being executable" should be inserted after "medium".

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 4, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Faybishenko et al. (US 2003/0050924).

Regarding Claim 2, Faybishenko discloses an embedded information apparatus comprising:

- a data standardization device that sorts (See paragraphs 0084, 0122) a plurality of structural data on the basis of a predetermined rule (See paragraphs 0229, 0239, 0242, 0247, 0252 and Figure 14);
- message digest generation device that calculates a message digest with a predetermined hash function, for a bit stream composed of the plurality of structural data sorted by the data standardization device (See paragraphs 0084, 0122, 0218); and
- data transformation device that sorts the plurality of structural data sorted by the data standardization device (See paragraphs 0084, 0122), on the basis of a rule that is different from the first-mentioned rule (See paragraphs 0229, 0239, 0242, 0247, 0252 and Figure 14), with a key being the message digest calculated by the message digest generation device (See paragraphs 0120, 0220).

Regarding Claim 4, Faybihenko discloses an embedded information method comprising:

- sorting (See paragraphs 0084, 0122) a plurality of structural data the basis of a first rule (See paragraphs 0229, 0239, 0242, 0247, 0252 and Figure 14);
- calculating a message digest (See paragraphs 0084, 0122, 0218) with a predetermined hash function (See paragraphs 0255, 0279), for a bit stream composed of the plurality of sorted structural data; and
- sorting the plurality of sorted structured data on the basis of a second rule that is different from the first rule (See paragraphs 0229, 0239, 0242, 0247,

0252 and Figure 14) by using the calculated message digest as a key (See paragraphs 0120, 0220).

Regarding Claim 6, Faybishenko discloses a computer-readable record medium that stores and executes an embedded information program on a computer comprising:

- sorting (See paragraphs 0084, 0122) a plurality of structural data on the basis of a first rule (See paragraphs 0229, 0239, 0242, 0247, 0252 and Figure 14);
- calculating a message digest (See paragraphs 0084, 0122, 0218) with a predetermined hash function (See paragraphs 0255, 0279), for a bit stream composed of the plurality of sorted structural data; and
- sorting the plurality of sorted structural data on the basis of a second rule that is different from the first rule (See paragraphs 0229, 0239, 0242, 0247, 0252 and Figure 14) by using the calculated message digest as a key (See paragraphs 0120, 0220).

Allowable subject matter

Claims 1 and 3 are allowed.

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 is also objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and the rejection of 35 U.S.C. 101 is overcome.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parnell (6,907,414) discloses a hierarchical interface to attribute based database.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wilson Lee
Primary Examiner
U.S. Patent & Trademark Office

12/11/06